

Appln. No.: 09/987,848
Amendment dated October 27, 2005
Reply to Office Action of June 30, 2005

REMARKS/ARGUMENTS

Applicant's undersigned representative is new counsel of record pursuant to the Power of Attorney filed via facsimile on October 27, 2005.

The Office Action of June 30, 2005, has been carefully reviewed and these remarks are responsive thereto. Claims 1-8, 11, and 13-22 have been amended. Claims 18-22 have been amended in form only, and not in response to any particular rejection or objection by the Office (Applicant has merely replaced pronouns with the subject matter to which they refer). Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 13 and 21 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Applicant has amended claims 13 and 21 accordingly, and respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1-5, 7-10, 11-15, and 18-22 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Puskala (U.S. Pat. No. 6,908,389). This rejection is respectfully traversed based on the following reasoning.

Applicant has amended claim 1 to recite "on a user interface screen, presenting a user with one or more predefined messages, and *simultaneously* presenting the user with a text entry field in which the user can enter a user-defined message," a feature which is neither taught nor suggested by Puskala (emphasis added). Claim 1 and its dependent claims are therefore not anticipated by Puskala.

Applicant has similarly amended claim 14 to recite "the device configured to *simultaneously* present a user with one or more predefined messages and a text box for receiving a user-defined message," a feature which is neither taught nor suggested by Puskala (emphasis added). Claim 14 and its dependent claims are therefore not anticipated by Puskala.

With respect to claims 18-22, while the introductory sentence of section 3 in the Office Action (p. 2) indicates that claims 18-22 are rejected under 35 U.S.C. § 102(a) as allegedly

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anticipated by Puskala, the body of section 3 includes no such rejection, and provides no support for any such rejection with respect to the specific features of claims 18-22. In addition, in section 5, the Office Action specifically admits that Puskala fails to teach or suggest various features of claims 18-22. Thus, Applicant assumes that the inclusion of claims 18-22 in the § 102 rejection was a mistake. If the rejection was not made in error, Applicant respectfully requests a subsequent non-final Office Action, specifically addressing the features of claims 18-22 in a rejection under § 102 with respect to the Puskala reference, and thus affording Applicant a fair opportunity to respond.

Rejections Under 35 U.S.C. § 103

Claims 18-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Puskala in view of Robinson (U.S. Pat. No. 6,760,580). Applicant respectfully traverses this rejection for at least the following reasons.

The Office Action asserts that Puskala is a valid prior art reference under 35 U.S.C. § 102(a). Office Action, p. 2. However, having reviewed the Puskala reference, Applicant respectfully submits that if Puskala is prior art to the present application, then Puskala is § 103 prior art only under 35 U.S.C. § 102(e), since Puskala was not published until after the present application was filed. Applicant herein provides the following statement establishing common ownership pursuant to MPEP § 706.02 (I) (2) II:

Statement Establishing Common Ownership

The undersigned attorney of record hereby states that the invention of the present application and the subject matter of Puskala (U.S. Patent No. 6,908,389) were, at the time the present invention was made, owned by or subject to an obligation of assignment to Nokia Corporation.

The above statement establishing common ownership removes Puskala as an applicable reference for a rejection under 35 U.S.C. § 103/102(e). The rejection is therefore respectfully traversed.

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CONCLUSION

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 27 day of October, 2005

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